

# Notice of Allowability

Application No.

09/720,463

Examiner

Jean E. Lesperance

Applicant(s)

GENS, DANIEL

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed June 4, 2007.
2. ☒ The allowed claim(s) is/are 1, 2, 4-15, and 17-25, and renumbered as 1-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_

RICHARD HJERPE

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

### **DETAILED ACTION**

1. The amendment filed June 4, 2007 is entered and claims 1, 2, 4-15, and 17-25 are pending.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 1, line 20, delete [.] after and; lines 23 and 24, replace [the first means, the three-dimensional movement, and the second means] by a first means, a three-dimensional movement, a second means.

In claim 17, lines 16-18, replace [the first means, the three-dimensional movement, and the second means] by a first means, a three-dimensional movement, a second means.

In claim 21, lines 16-18, replace [the first means, the three-dimensional movement, and the second means] by a first means, a three-dimensional movement, a second means.

***Allowable Subject Matter***

3. Claims 1, 2, 4-15, and 17-25 are allowed.
4. The following is an examiner's statement of reasons for allowance: the claimed invention is directed to a writing instrument and a writing pad for recording a data record.

Independent claim 1 identifies a uniquely distinct feature "wherein said writing instrument has an optoelectronic receiver for picking up the area coding designed markings on said writing pad, and wherein the position determination device encodes said bit sequences for the x-coordinate and the y-coordinate, and wherein said absolute position is determined by the value of said x-coordinate and said y-coordinate, and characterized in that the determination of the relative positions is performed in shorter time intervals than the determination of the absolute positions, and in that a first means determine the relative positions from a three-dimensional movement profile of the writing instrument, and a second means are designed as marking on the writing pad and a read-out unit, associated therewith, in the writing instrument, the relative positions thereby being adjusted given the presence of absolute positions".

Independent claim 17 identifies a uniquely distinct feature "wherein said writing instrument has an optoelectronic receiver for picking up the uniform area c-ode coding on said writing pad, and the writing pad comprises at least one optically detectable layer which is detected by the optoelectronic receiver on the writing instrument and wherein the position determination device encodes said bit sequences for the x-coordinate and the y-coordinate, and wherein said absolute position is determined by the value of the x-coordinate and the Y- coordinate, and characterized in that the determination of the

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relative positions is performed in shorter time intervals than the determination of the absolute positions, and in that a first means determine the relative positions from a three-dimensional movement profile of the writing instrument, and a second means are designed as marking on the writing pad and a read-out unit, associated therewith, in the writing instrument, the relative positions thereby being adjusted given the presence of absolute positions”.

Independent claim 21 identifies a uniquely distinct feature “wherein picking up said uniform area coding comprises detecting said area coding by an optoelectronic receiver of said writing instrument, and wherein said absolute position is determined as the value of said x-coordinate and said y-coordinate by encoding said bit sequences for said x-coordinate and said y-coordinate and characterized in that the determination of the relative positions is performed in shorter time intervals than the determination of the absolute positions, and in that a first means determine the relative positions from a three-dimensional movement profile of the writing instrument, and a second means are designed as marking on the writing pad and a read-out unit, associated therewith, in the writing instrument, the relative positions thereby being adjusted given the presence of absolute positions”.

The closest arts, Schiller, Persidsky, and Johner as discussed in the previous Office Action, either singularly or in combination, fail to anticipate or render obvious the above limitations obvious.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:00AM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231


**or faxed to:**

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



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Date 6/5/2007



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
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